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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/244,323    02/03/99    MULLEDER    E    32287-PCT/US

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IM22/0508

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EXAMINER
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BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112-0228

TENTONI, L	
ART UNIT	PAPER NUMBER

1732

*10*

DATE MAILED:

05/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/244323

Applicant(s)

MULLEDER et al

Examiner

LEO B. TENTONI

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on APRIL 27, 2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-4, 6-18 ~~is/are~~ pending in the application.
- Of the above claim(s) 6-9, 11-18 ~~is/are~~ withdrawn from consideration.
- ☒ Claim(s) 10 ~~is/are~~ allowed.
- ☒ Claim(s) 1-4 ~~is/are~~ rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No. 4 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 (TWO (2) SHEETS) ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of Group I, claims 1-4 and 10 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that examination of both groups would not be a serious burden. This is not found persuasive because there would be a serious burden as shown by the different classification.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-9 and 11-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

### ***Priority***

3. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must be copending with the prior application or with an application similarly entitled to the benefit of the filing date of the prior application.

It is noted that earlier application PCT/AT98/00151 published (as WO 98/58103) on December 23, 1998, which is prior to the filing date (February 3, 1999) of the instant application.

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4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Stall et al (Stall, U.S. Patent 5,951,933).

Stall (col. 1, line 7 to col. 4, line 67) teaches a process of cellulose fibers as set forth in the instant claims (note especially Examples 9 and 10, which teach a content of 0.5% of a high molecular weight substance).

***Allowable Subject Matter***

7. Claim 10 is allowable over the prior art references presently of record (claim 10 recites that the high molecular weight substance is cellulose).

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,047,197 teaches a process of making cellulose fibers wherein a high molecular weight substance is used in an amount no greater than 0.01% (and preferably no more than 0.005%).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo Tentoni whose telephone number is (703) 308-3834. The examiner can normally be reached on Monday - Friday from 6:30 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jan Silbaugh, can be reached on (703) 308-3829. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Leo Tentoni

May 5, 2000

*Leo B. Tentoni*  
LEO B. TENTONI  
PRIMARY EXAMINER  
ART UNIT 1732